

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 5:08-cr-00074

STUART WAYNE DOTSON,

Defendant.

REVOCATION OF SUPERVISED RELEASE AND JUDGMENT ORDER

On the 22nd day of November 2010, came the Defendant, Stuart Wayne Dotson, in person and by counsel, Lex A. Coleman, AFPD, and also came the United States by John L. File, AUSA, for a hearing on the *Petition for Warrant or Summons for Offender Under Supervision* submitted by the Defendant's supervising probation officer. United States Probation Officer Amy Berry-Richmond was also present at the hearing.

On December 15, 2008, the Defendant was sentenced to a term of imprisonment of three (3) months to be followed by a term of supervised release of twelve (12) months. The Defendant began serving the term of supervised release on December 9, 2009. On August 26, 2010, the *Petition for Warrant or Summons for Offender Under Supervision* [Docket 50] was filed charging the Defendant with violating certain conditions of supervised release. An *Amendment to Petition* [Docket 56] was filed on September 7, 2010.

At the hearing, the Court found that the Defendant had received written notice of the alleged violations as contained in the *Petition* and the *Amendment*, and that the evidence against the

Defendant had been disclosed. The Court further found that the Defendant appeared, was given the opportunity to present evidence, and was represented in the proceeding by counsel.

The Court then found, by a preponderance of the evidence, that the Defendant violated certain conditions of supervised release as contained in the *Petition* and the *Amendment*, specifically:

- 1) Violation of Standard Condition: The Defendant shall not commit another federal, state or local crime: On August 15, 2010, the Defendant was arrested by a member of the West Virginia State Police and charged with driving on suspended or revoked license for DUI, and no proof of insurance;
- 2) Violation of Standard Condition: The Defendant shall not unlawfully possess a controlled substance. The Defendant shall refrain from any unlawful use of a controlled substance: The Defendant submitted urine specimens positive for methamphetamine on March 19, May 26, July 21, August 5, and August 18, 2010; and
- 3) Violation of Standard Condition Number 7: The Defendant shall refrain from the excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician: The conduct set forth above in Violation 2 is re-alleged.

In making these findings, the Court relied upon the information contained in the *Petition* and the *Amendment* and the Defendant's admission that the committed Violations 1, 2 and 3 as set forth therein. The Government noted its intention not to pursue the allegations set forth as Violation Number 4 as set forth in the *Petition*, and the Court made no findings as to the same.

Having found the Defendant to be in violation of the conditions of supervised release, the Court **REVOKED** the Defendant's supervised release and, for the reasons more fully stated on the record, entered judgment as follows:

It is the **JUDGMENT** of the Court that the Defendant be committed to the custody of the Federal Bureau of Prisons for a term of **TWELVE (12) MONTHS**. The Court **RECOMMENDS** to the Bureau of Prisons that the Defendant be returned to FCI Beckley in West Virginia, and further


RECOMMENDS to the Bureau of Prisons that the Defendant receive an immediate medical evaluate.

The Defendant was remanded to the custody of the United States Marshal.

The Defendant's pending *Motion for Disclosure of Evidence Against Supervised Releasee and for Production of Exculpatory Evidence* [Docket 57] is **DENIED AS MOOT**.

The Court **DIRECTS** the Clerk to send a copy of this Order to the Defendant and counsel, the United States Attorney, the United States Probation Office, and the United States Marshal.

DATE: November 22, 2010



IRENE C. BERGER, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA